

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Original filed 5/1/07

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LARRY L. WHITE,)	No. C 06-5626 JF (PR)
)	
Petitioner,)	ORDER OF DISMISSAL
)	
vs.)	
)	
MICHAEL HENNESSEY, Sheriff,)	
)	
Respondent.)	

Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and two motions to proceed in forma pauperis. On March 1, 2007, the Court ordered Petitioner to show cause why the petition should not be dismissed without prejudice because the instant petition challenges his pending state criminal proceeding and it appears that he has not exhausted his state court remedies prior to filing the instant petition. The Court directed Petitioner to file a response within **thirty days** addressing: (1) whether his state criminal proceeding, at issue in the instant case, is currently pending; (2) whether he has an appeal, habeas petition or other post-conviction proceeding now pending before the state court; and (3) whether he has presented the claims in the instant petition to the California Supreme Court. The Court notified

1 Petitioner that the failure to file a timely response would result in the Court dismissing the
2 instant petition without prejudice for failure to exhaust state court remedies. As of the
3 date of this order, Petitioner has not responded to the Court's order, or communicated
4 with the Court. Accordingly, the instant petition is DISMISSED without prejudice for
5 failure to exhaust state remedies. The Clerk shall terminate any pending motions and
6 close the file.

7 IT IS SO ORDERED.

8 DATED: 4/30/07


JEREMY FOGEL
United States District Judge

1 A copy of this ruling was mailed to the following:

2 Larry L. White
3 # 2214748
4 P.O. Box 67
5 San Bruno, CA 94066
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28